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**EXHIBIT “A”**

SUM-100

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

KOHL'S DEPARTMENT STORES, INC. a corporation; and DOES 1 through 10, inclusive,

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

MANUELA MATIAS CHAVEZ, individually,

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED BY  
Superior Court of California,  
County of Monterey  
On 11/7/2018 10:35 AM  
By: Janet Nicholson, Deputy

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Monterey Superior Court

1200 Aguajito Road  
Monterey, CA 93940

CASE NUMBER:  
(Número del Caso): 18CV004256

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Ara Jabaghchourian, 1650 S. Amphlett Blvd., Suite 216, San Mateo, CA 94402 (650) 437-6840

DATE: 11/7/2018  
(Fecha)

Clerk, by /s/ Janet Nicholson  
(Secretario)

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

## NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Kohl's Department Stores, Inc. a corporation

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):



ELECTRONICALLY FILED BY  
Superior Court of California,  
County of Monterey  
On 11/7/2018 10:35 AM  
By: Janet Nicholson, Deputy

1 ARA JABAGCHOURIAN (SBN 205777)  
2 ara@arajlaw.com  
3 **LAW OFFICES OF ARA JABAGCHOURIAN, P.C.**  
4 1650 S. Amphlett Boulevard, Suite 216  
5 San Mateo, CA 94402  
6 Telephone: (650) 437-6840  
7 Facsimile: (650) 403-0909

8 *Attorneys for Plaintiff*

9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF MONTEREY**

12 **MANUELA MATIAS CHAVEZ,**  
13 individually,

14 Plaintiff,

15 v.

16 **KOHL'S DEPARTMENT STORES,**  
17 **INC. a corporation; and DOES 1 through**  
18 **10, inclusive,**

19 Defendants.

CASE NO. 18CV004256

**COMPLAINT FOR:**

- 1) **PREMISE LIABILITY  
(NEGLIGENCE)**
- 2) **NEGLIGENCE**

**JURY TRIAL DEMANDED**

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28  
**COMPLAINT**

1 Plaintiff in the above captioned matter hereby complains of Defendants named  
2 hereinabove, and each of them, as follows:

### 3 **I. INTRODUCTION**

4 1. This is a case of disregard for safety. On September 25, 2018, Plaintiff  
5 MANUELA MATIAS CHAVEZ (hereinafter "CHAVEZ" or "Plaintiff"), was injured as a result  
6 of KOHL'S DEPARTMENT STORES, INC.'s (hereinafter "KOHL'S" or "Defendant") failure  
7 to properly inspect and maintain a fire extinguisher and harness near where merchandise was  
8 displayed and invitees shop at its Salinas location, located at 1950 N Davis Road, Salinas, CA  
9 93907. CHAVEZ was shopping at the location at the time the fire extinguisher fell off the wall  
10 and on top of her foot, resulting in serious injuries.

### 11 **II. JURISDICTION AND VENUE**

12 2. This Court has subject matter jurisdiction over this matter pursuant to Code of  
13 Civil Procedure Section 395 because, at all times relevant, the events which combined to produce  
14 the injuries sustained by Plaintiff occurred in the County of Monterey, State of California.

15 3. Venue is proper in the County of Monterey because a substantial part of the  
16 events, acts, omissions, and transactions complained of herein occurred in and/or originated from  
17 County of Monterey, State of California. The amount in controversy exceeds the jurisdictional  
18 minimum of this court.

### 19 **III. PARTIES**

#### 20 **A. Plaintiff**

21 4. Plaintiff MANUELA MATIAS CHAVEZ is a natural person who currently  
22 resides in Salinas, California.

#### 23 **B. Defendant**

24 5. Defendant KOHL'S DEPARTMENT STORES, INC. is a corporation doing  
25 business in California, registered out of Delaware.

#### 26 **C. Other Defendants**

27 6. The true names and capacities, whether individual, corporate, associate or  
28 otherwise of Defendants DOES 1 through DOES 10, inclusive, are unknown to Plaintiff who

**COMPLAINT**

1 therefore sues said Defendants by such fictitious names pursuant to Code of Civil Procedure §  
 2 474. Wherever in this Complaint it refers to "Defendants," such reference shall include each  
 3 expressly named Defendant and Defendants DOES 1 through DOES 10, and each of them.

4 7. Plaintiff further alleges that each of said fictitious Defendants is in some manner  
 5 responsible for the acts and occurrences hereinafter set forth. Plaintiff will amend this  
 6 Complaint to show their true names and capacities when the same are ascertained, as well as the  
 7 manner in which each fictitious Defendant is responsible.

8 **D. Agency & Concert of Action**

9 8. At all times herein mentioned, Defendants, and each of them, hereinabove, were  
 10 the agents, servants, employees, partners, aiders and abettors, co-conspirators, and/or joint  
 11 venturers of each of the other Defendants named herein and were at all times operating and  
 12 acting within the purpose and scope of said agency, service, employment, partnership, enterprise,  
 13 conspiracy, and/or joint venture, and each Defendant has ratified and approved the acts of each  
 14 of the remaining Defendants. Each of the Defendants aided and abetted, encouraged, and  
 15 rendered substantial assistance to the other Defendants in breaching their obligations to Plaintiff,  
 16 as alleged herein. In taking action to aid and abet and substantially assist the commission of  
 17 these wrongful acts and other wrongdoings complained of, as alleged herein, each of the  
 18 Defendants acted with an awareness of his/her/its primary wrongdoing and realized that  
 19 his/her/its conduct would substantially assist the accomplishment of the wrongful conduct,  
 20 wrongful goals, and wrongdoing.

21 **IV. FACTUAL BASIS FOR THE CLAIMS ASSERTED**

22 9. On September 25, 2018, CHAVEZ was shopping at the KOHL'S location in  
 23 Salinas and was looking at a clothes rack when a fire extinguisher fell off the wall and on top of  
 24 her foot without warning. As a result, Plaintiff sustained severe physical injuries resulting in  
 25 having to be treated by physicians.  
 26  
 27  
 28

1           10. At that time and place, the KOHL'S owned, managed and operated the store  
2 located in Salinas. The fire extinguisher was installed, inspected and/or maintained in a reckless,  
3 wanton and/or negligent manner by KOHL'S.

4 **V. CAUSES OF ACTION**

5 **FIRST CAUSE OF ACTION**

6 **PREMISE LIABILITY - NEGLIGENCE**

7 **(Against All Defendants)**

8           11. Plaintiff incorporates and re-alleges each of the allegations set forth above as  
9 though fully set forth herein.

10           12. Plaintiff, at all times herein mentioned, was authorized to be on the premises of  
11 the KOHL'S in Salinas as an invitee. She was going through a clothes rack when a fire  
12 extinguisher, which is owned, controlled, and/or maintained by KOHL'S, came crashing down  
13 on her foot.

14           13. Plaintiff is informed and believes, and thereon alleges, that all times prior to and  
15 on the date of this incident, the condition of the fire extinguisher was dangerous and/or defective  
16 to the invitees of KOHL'S in Salinas, California.

17           14. Plaintiff is informed and believes and upon such basis alleges that Defendants,  
18 and each of them, did not exercise the responsibilities attendant to the ownership, development,  
19 operation, use, construction, inspection, management, repair and/or maintenance of premises  
20 located at the KOHL's in Salinas, California.

21           15. In connection with its ownership, development, operation, use, maintenance,  
22 repair, design, construction, management, and/or control of KOHL'S in Salinas, California,  
23 Defendants owed a duty of ordinary care to avoid exposing invitees, including Plaintiff, to an  
24 unreasonable risk of harm, created by natural and/or artificial conditions existing and/or created  
25 on the premises.

26           16. Plaintiff is informed and believes and upon such basis allege, that Defendants  
27 negligently and/or carelessly designed, planned, repaired, constructed, supervised, cared for,  
28 controlled, inspected, and/or maintained the KOHL'S in Salinas, California, where the incident

**COMPLAINT**



1 occurred. The above-described condition represented a dangerous and/or defective condition,  
2 which created a reasonably foreseeable risk of the kind of harm, injury and damage incurred by  
3 Plaintiff.

4 17. Prior to the incident herein above described, Defendants and each of them, had  
5 actual and/or constructive notice of dangerous and/or defective conditions therein and failed to  
6 warn patrons, their guests, invitees and/or other persons within the area of such danger, or to  
7 undertake appropriate measures to implement a maintenance or inspection program or have clear  
8 signs redirecting patrons to another route which would and could have eliminated the danger and  
9 make the premises safe. Moreover, Defendants were on notice of the defective condition and  
10 failed to act.

11 18. As a legal result of the aforementioned acts of Defendants, Plaintiff was caused to  
12 suffer serious personal injury.

13 19. As a legal result of the aforementioned acts of Defendants, and each of them,  
14 Plaintiff sustained injuries to her body and person, all of which have caused and continue to  
15 cause Plaintiff great mental, physical suffering, all to her general damages in an amount to be  
16 shown according to proof at the time of trial.

17 20. As a further legal result of the aforementioned acts of Defendants, and each of  
18 them, Plaintiff received medical treatment and/or attention, was required to incur, and did incur  
19 medical expenses, and was prevented from attending her normal daily activities and/or  
20 employment. Plaintiff, has thereby incurred losses for medical care and/or suffered a loss of  
21 earnings, in amounts to be shown according to proof at the time of trial.

22 21. At the time of this incident, Plaintiff was gainfully employed, and/or capable of  
23 gainful employment through her education, training, and/or experience. By further reason of  
24 Defendants' wrongful conduct, Plaintiff has suffered a loss of income in an amount according to  
25 proof.

26 WHEREFORE, Plaintiff prays for relief as set forth below.

27 ///

**SECOND CAUSE OF ACTION**

**NEGLIGENCE**

**(Against All Defendants)**

22. Plaintiff hereby realleges and incorporate by reference each and every allegation contained in Paragraph 1 through 21, inclusive, as if full set forth in detail herein.

23. Defendants had a duty to maintain and secure the fire extinguisher on its premises in a reasonable and safe manner for its patrons and away from merchandize that may dislodge it.

24. Defendants KOHL'S and Does 1 through 10 failed to meet its duty by failing to properly maintain the fire extinguisher in a reasonable and safe manner.

25. As a result of this breach of duty, Plaintiff suffered severe injuries.

26. The failure to maintain the walkway was a substantial factor in causing Plaintiff's injuries.

27. As a direct and legal result of the aforementioned acts of Defendants, Plaintiff suffered the damages hereinabove set forth.

WHEREFORE, Plaintiff prays for relief as set forth below.

**VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays judgment against Defendants as hereinafter set forth:

1. For compensatory and general damages in an amount according to proof;
2. For past and future medical, incidental, and services expenses according to proof;
3. For past and future loss of earnings according to proof;
4. For pre- and post-judgment interest on all damages as allowed by the law;
5. For costs of suit incurred herein;
6. For attorney fees under existing law; and
7. For such other and further relief as the Court may deem just and proper.

Dated: November 7, 2018

**LAW OFFICES OF ARA JABAGCHOURIAN, P.C.**

By: 

**ARA JABAGCHOURIAN**  
*Attorneys for Plaintiff*

Law Offices of  
Ara  
Jabagchourian,  
P.C.

**COMPLAINT**



1 **VII. JURY DEMAND**

2 Plaintiff demands trial by jury on all issues so triable.

3  
4 Dated: November 7, 2018

**LAW OFFICES OF ARA JABAGCHOURIAN, P.C.**

5  
6 By:   
7 ARA JABAGCHOURIAN  
8 *Attorneys for Plaintiff*